IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.63 OF 2003
IN
SUMMARY SUIT NO.2121 OF 2002

Shailesh B. Boghani ...Plaintiff
Vs.
Siddharth J. Shah & Ors. ...Defendants

Mr.P.G. Lad, Adv. for Plaintiff
Mr.Bhandary, Adv. for Defendants

CORAM: D.G. DESHPANDE,J.
DATED: 15TH SEPTEMBER, 2004

P.C.

. Heard Advocates for the Plaintiff and Defendants. According to the Plaintiff he paid Rs.3,50,000/- once to the Defendant and Rs.50,000/- there after and nothing is paid by the Defendant.

. As against this the Defendant's contention in the reply is that he paid Rs.2,20,000/- to the Plaintiff in full and final settlement of the amount of Rs.3,50,000/- and originals of Exhibit 'A' and 'B' were returned to him. At this stage the submission is accepted.

. So far as remaining amount of Rs.50,000/- Advocate for Defendant has produced statement of Account issued by Punjab National Bank and in that statement there is an entry dated 17th September, 2000 in the name of the Plaintiff for Rs.50,000/-. In

these circumstances unconditional leave to defend is granted to the Defendant. Suit transferred to the list of Commercial Causes. Written Statement/points of defence to be filed within a period of ten weeks from today. Affidavit of documents within two weeks thereafter. Discovery and inspection within two weeks thereafter. Suit to be placed on regular board for hearing thereafter. Summons for Judgment accordingly disposed of.

. The Prothonotary and Senior Master to act upon ordinary copy of this order duly authenticated by the Associate of this Court.

. C.C. expedited.

(D.G.DESHPANDE)

JUDGE